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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/661,209	09/12/2003	Darren Maya	0112300-1632	7186

29159 7590 11/21/2006  
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EXAMINER

HOEL, MATTHEW D

ART UNIT PAPER NUMBER

3714

DATE MAILED: 11/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/661,209

Applicant(s)

MAYA ET AL.

Examiner

Matthew D. Hoel

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-47 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-47 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:
2. A person shall be entitled to a patent unless –
3. (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
4. Claims 1 to 5 and 7 to 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Bennett (U.S. patent application publication 2001/0049298 A1, application 09/829,126), as evidenced by Weiss, et al. (U.S. pre-grant publication 2002/0193158 A1, application 09/921,076).
5. As to Claim 1: Bennett in '298 teaches a gaming device operable upon a wager (Para. 29). '298 teaches a plurality of symbols (multiple shares to choose from, Fig. 6). '298 has at least one value associated with each symbol (stock price, Fig. 7). The shares have an initial value (stock price, Fig. 6), an intermediate value (fluctuating share prices, Para. 53), and a final value comprised of one or more numerals (price awarded when share is sold, Para. 54; value with serially incrementing digits, Fig. 5). A first event is associated with each symbol (player picks which stock to purchase, Para. 56). '298 has a modifier in the form of a multiplier; the current share price is multiplied by the number of shares at the end of the bonus game (Para. 54). The modifier has a second event associated with it (time period ends or player hits "Sell" button, Para. 54). The award for the stock market bonus game of '298 is based on the final value (final share

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price) and the multiplier (number of shares, Para. 54). '298 has a video display unit (14, Fig. 1). The display unit displays the symbols (stocks, Fig. 6), displays the values after the first event (fluctuating values of stocks, Para. 53), and displays the award after the second event (Para. 61). '298 teaches all the claimed structural limitations of the valve set forth in Claim 1, as already discussed. However, '298 does not specify an award based on a plurality of the final values and the mathematical modifier. '298 states that the representation may be in the form of a win meter in the standard form of serially incrementing digits (Para. 5). It is inherent that each stock symbol in '298 would have a plurality of final values associated with each stock symbol (multiple decimal places with digit values), as evidenced by '158 (odometer-style award indicator on slot machine, 90, Fig. 6). Thus, the symbols of '298 each have a plurality of final values, so the final award would be the number of shares of the stock (multiplier) multiplied by the plural final values (decimal places) of the stock's final price.

6. As to Claim 2: Each of the value indicators of '298 includes a graphical representation (current value of stock price, Fig. 7).

7. As to Claim 3: The graphical representations in '298, Figs. 3a-d and 4 a-b, include integer representations of a starting value, intermediate values, and a final value.

8. As to Claim 4: The first event of '298 is a symbol selection event (picking stocks, Para. 53, Fig. 6).

9. As to Claim 5: The second event of '298 is a symbols selection event (player hits "Sell" button, Para. 54; buttons located on touch screen 38, Fig. 2, Para. 40).

10. As to Claim 7: '298 has a graphical representation of a meter in the form of a thermometer.

11. As to Claim 8: The stock prices of '298 fluctuate, so the stock's value when the player hits "Sell" or when the time runs out can be less than its initial value (Para. 53). The final value, or final stock price, of '298 is inherently always greater than zero, as stocks cannot have a negative value.

12. As to Claim 9: The intermediate values of the stock prices of '298 can be less than or greater than the initial values (Para. 53).

13. Claim 1 is rejected under 35 U.S.C. 102(3) as being anticipated by Rose (U.S. patent 6,589,114 B2).

14. As to Claim 1: '114 teaches a gaming device operable upon a wager (Abst.). The gaming device comprises a plurality of symbols (Fig. 1). There is at least one value indicator associated with each of the symbols, each of the symbols displaying an initial indication of a starting value, then an indication of at least one intermediate value, the final value comprised of one or more numerals (numerals reshuffled, first "024", then "402", finally "204"; Figs. 4 to 7). There is at least one first event associated with a plurality of the symbols (the initiation of the reshuffling, Col. 4, Lines 12 to 26). There is a mathematical modifier and a second event associated with the mathematical modifier (probability weights of final combinations being the modifier, the final settling of the reshuffled numbers being the second event, Col. 4, Lines 27 to 57). There is an award based on a plurality of the final values and the modifier (204 credits awarded, Col. 4,

Lines 21 to 26). There is a display device which displays the symbols, displays the value indicators associated with a plurality of the symbols after the first event occurs, and displays the award after the second event occurs (Figs. 4 to 7).

### ***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

15. Claims 6, 10 to 29, and 40 to 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bennett ('298) in view of Nicastro (U.S. patent application publication 2003/0027619 A1, application 10/202,924).

16. As to Claim 6: Bennett in '298 discloses all of the elements of Claim 6, but lacks specificity as to displaying a sum of a plurality of the final values at one time, and displaying the award at a later time. Nicastro, however, in '619 teaches displaying a plurality of the final values at one time (total of values of symbols drawn in bonus game 510, Fig. 11, Para. 67). '619 also teaches displaying the award at a later time (special screen with total won in bonus round, Fig. 14). It would be obvious to one of ordinary skill in the art to apply the game of '619 to '298. The basic game of '298 can be a slot machine (Para. 37). The base game of '298 is a slot machine (16, Fig. 1, Para. 32). Both games have bonus games that start upon a combination of trigger symbols ('298, Para. 32; '619, Para. 39). '298 has broker's tips giving clues as to whether or not to buy a particular stock (Para. 56). '619 teaches giving a player information about whether or not to select a symbol (Abstract; Take It or Leave It, Para. 56 to 58). '298 has multiple

bonus games (thermometer, Fig. 3; skydiver, Fig. 5; stock market Fig. 6). '619 teaches multiple bonus games as well (Para. 53). The advantage of this combination would be to stimulate players' interest in the game by providing more bonus games to choose from.

17. As to Claim 10: Software implementations of '619 can be used to implement gaming over networks such as the Internet (Para. 36).

18. As to Claim 11: Bennett in '298 teaches a gaming device operable upon a wager (Para. 29). '298 teaches a plurality of symbols (multiple shares to choose from, Fig. 6). '298 has at least one value associated with each symbol (stock price, Fig. 7). The shares have an initial value (stock price, Fig. 6), an intermediate value (fluctuating share prices, Para. 53), and a final value (price awarded when share is sold, Para. 54). '619 has a first event associated with a symbol (player selects tile to reveal the hidden tile value or stopper value, Para. 57). '619 also has a second event associated with the player selecting a second symbol (at least two picks are available based on two picks per payline, Para. 56; player picks symbols until Take-Its are gone, Para. 56). '619 has a modifier in the form of a multiplier (multiplier by which points won in the bonus game are multiplied, Para. 60). A third event in '619 is associated with the multiplier (stopper value "ZONK" ends bonus game, Para. 56), after which the bonus award is given based on the multiplier (Para. 60). '619 has an award based on the final values and the multiplier (points won in bonus game multiplied by multiplier, Para. 60). '619 has a video display unit (16, Fig. 1). The display unit of '619 displays the value indicators associated with the symbols after the first and second events (values shown after

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symbols picked, Fig. 6). '619 displays the award after the third event occurs (total window 116, Fig. 5). However, '298 does not specify an award based on a plurality of the final values and the award indicator. '298 states that the representation may be in the form of a win meter in the standard form of serially incrementing digits (Para. 5). It is inherent that each stock symbol in '298 would have a plurality of final values associated with each stock symbol (multiple decimal places with digit values), as evidenced by '158 (odometer-style award indicator on slot machine, 90, Fig. 6). Thus, the symbols of '298 each have a plurality of final values, so the final award would be the value of the stock multiplied by the plural final values (decimal places) of the stock's final price.

19. As to Claim 12: Each of the value indicators of '298 includes a graphical representation (current value of stock price, Fig. 7).

20. As to Claim 13: The graphical representations in '298, Figs. 3a-d and 4 a-b, include integer representations of a starting value, intermediate values, and a final value.

21. As to Claim 14: '619 has a first event associated with player selecting a symbol (player selects tile to reveal the hidden tile value or stopper value, Para. 57). '619 also has a second event associated with the player selecting a second symbol (at least two picks are available based on two picks per payline, Para. 56; player picks symbols until Take-Its are gone, Para. 56).



22. As to Claim 15: The third event in '619 is associated the player selecting a symbol (symbol picked revealing stopper value "ZONK" ends bonus game, Para. 56), after which the bonus award is given based on the multiplier (Para. 60).

23. As to Claim 16: '619 teaches displaying a plurality of the final values at one time (total of values of symbols drawn in bonus game 510, Fig. 11, Para. 67). '619 also teaches displaying the award at a later time (special screen with total won in bonus round, Fig. 14).

24. As to Claim 17: '298 has a graphical representation of a meter in the form of a thermometer.

25. As to Claim 18: The stock prices of '298 fluctuate, so the stock's value when the player hits "Sell" or when the time runs out can be less than its initial value (Para. 53). The final value, or final stock price, of '298 is inherently always greater than zero, as stocks cannot have a negative value.

26. As to Claim 19: The intermediate values of the stock prices of '298 can be less than or greater than the initial values (Para. 53).

27. As to Claim 20: Software implementations of '619 can be used to implement gaming over networks such as the Internet (Para. 36).

28. As to Claim 21: Bennett in '298 teaches a gaming device operable upon a wager (Para. 29). '298 teaches a plurality of symbols (multiple shares to choose from, Fig. 6). '298 has at least one value associated with each symbol (stock price, Fig. 7). '619 has a first selection opportunity enabling a player to select a designated quantity of symbols (player has designated number of Take It symbols in a bonus game, Para. 51). The

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shares of '298 have an initial value (stock price, Fig. 6), an intermediate value (fluctuating share prices, Para. 53), and a final value (price awarded when share is sold, Para. 54). A first event is associated with each symbol (player picks which stock to purchase, Para. 56). The shares (symbols in the bonus game of '298) each have their own modifier in the form of a multiplier (number of shares times final value of shares equals bonus award for that stock, Para. 61). '619 has a second opportunity to reselect a designated quantity of symbols in the group (designated number of Leave It symbols allowing player to pick another symbol in the bonus game, Para. 51). '619 has a multiplier multiplied by the number of points won in the bonus game, including the points won by reselecting new symbols after using Leave Its to discard unwanted symbols (Para. 60). '619 has a video display unit (16, Fig. 1). The display unit of '619 displays the value indicators associated with the symbols after the first and second events (values shown after symbols picked, Fig. 6). '619 displays the award after the third event occurs (total window 116, Fig. 5). However, '298 does not specify an award based on a plurality of the final values and the award indicator. '298 states that the representation may be in the form of a win meter in the standard form of serially incrementing digits (Para. 5). It is inherent that each stock symbol in '298 would have a plurality of final values associated with each stock symbol (multiple decimal places with digit values), as evidenced by '158 (odometer-style award indicator on slot machine, 90, Fig. 6). Thus, the symbols of '298 each have a plurality of final values, so the final award would be the value of the stock multiplied by the plural final values (decimal places) of the stock's final price.

29. As to Claim 22: Each of the value indicators of '298 includes a graphical representation (current value of stock price, Fig. 7).

30. As to Claim 23: '298 has a graphical representation of a meter in the form of a thermometer.

31. As to Claim 24: The stock prices of '298 fluctuate, so the stock's value when the player hits "Sell" or when the time runs out can be less than its initial value (Para. 53). The final value, or final stock price, of '298 is inherently always greater than zero, as stocks cannot have a negative value.

32. As to Claim 25: The intermediate values of the stock prices of '298 can be less than or greater than the initial values (Para. 53).

33. As to Claim 26: The multiplier of '619 increases the number of points won in the bonus game (Para. 60).

34. As to Claim 27: The numerical increases of '298 Figs. 3a-d and 4a-b are integer-by-integer increases.

35. As to Claim 28: '619 has indicators 124 (values of tiles) and 126 (stopper indicators) on the sides of the screen in Fig. 5, indicating the values of all the tiles on the screen, including those not selected by the player (Para. 50).

36. As to Claim 29: Software implementations of '619 can be used to implement gaming over networks such as the Internet (Para. 36).

37. As to Claim 40: Bennett in '298 teaches a gaming device operable upon a wager (Para. 29). '298 teaches a plurality of symbols (multiple shares to choose from, Fig. 6).

'298 has at least one value associated with each symbol (stock price, Fig. 7). The

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shares have an initial value (stock price, Fig. 6), an intermediate value (fluctuating share prices, Para. 53), and a final value comprising one or more numerals (price awarded when share is sold, Para. 54; serially incrementing digits, Para. 5). A plurality of symbols has events associated with them, namely, being picked by a player ('619, bonus game continues until Take Its are gone or a stopper, or terminator, value is drawn, Para. 57). '619 has player input devices (17, Fig. 1). '619 can take accept or decline inputs from players (Take Its or Leave Its, Para. 56 to 58). '619 gives an award based on the final values times a multiplier (Para. 60). '619 displays the symbols and their associated values after they are picked by the player (Fig. 6). If the player provides a decline (Leave It) input, '619 displays the value associated with the next Take It input (Para. 57). However, '298 does not specify an award based on a plurality of the final values and the award indicator. '298 states that the representation may be in the form of a win meter in the standard form of serially incrementing digits (Para. 5). It is inherent that each stock symbol in '298 would have a plurality of final values associated with each stock symbol (multiple decimal places with digit values), as evidenced by '158 (odometer-style award indicator on slot machine, 90, Fig. 6). Thus, the symbols of '298 each have a plurality of final values, so the final award would be the value of the stock multiplied by the plural final values (decimal places) of the stock's final price.

38. As to Claim 41: Each of the value indicators of '298 includes a graphical representation (current value of stock price, Fig. 7).

39. As to Claim 42: The graphical representations in '298, Figs. 3a-d and 4 a-b, include integer representations of a starting value, intermediate values, and a final value.

40. As to Claim 43: The first event of '298 is a symbol selection event (picking stocks, Para. 53, Fig. 6).

41. As to Claim 44: '298 has a graphical representation of a meter in the form of a thermometer.

42. As to Claim 45: The stock prices of '298 fluctuate, so the stock's value when the player hits "Sell" or when the time runs out can be less than its initial value (Para. 53). The final value, or final stock price, of '298 is inherently always greater than zero, as stocks cannot have a negative value.

43. As to Claim 46: The intermediate values of the stock prices of '298 can be less than or greater than the initial values (Para. 53).

44. As to Claim 47: Software implementations of '619 can be used to implement gaming over networks such as the Internet (Para. 36).

45. Claims 30 to 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bennett ('298) and Nicastro ('619) in view of Sakamoto (U.S. patent 6,471,588 B2).

46. As to Claim 30: The combination of Bennet ('298) and Nicastro ('619) discloses all of the elements of Claim 30, but lacks specificity as to allowing a first period of time to elapse before showing an intermediate value for a selected symbol and allowing a second period of time to elapse before showing a final value for a selected symbol.

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'298 teaches a plurality of symbols (multiple shares to choose from, Fig. 6). '298 has a value associated with each symbol (stock price, Fig. 7). '619 has a first selection opportunity enabling a player to select a designated quantity of symbols (player has designated number of Take It symbols in a bonus game, Para. 51). The shares of '298 have an initial value (stock price, Fig. 6), an intermediate value (fluctuating share prices, Para. 53), and a final value (price awarded when share is sold, Para. 54). The shares (symbols in the bonus game of '298) each have their own modifier in the form of a multiplier (number of shares times final value of shares equals bonus award for that stock, Para. 61). '619 has an opportunity to reselect a designated quantity of symbols in the group (designated number of Leave It symbols allowing player to pick another symbol in the bonus game, Para. 51). '619 has a multiplier multiplied by the number of points won in the bonus game, including the points won by reselecting new symbols after using Leave Its to discard unwanted symbols (Para. 60); the award is then awarded to the player. The slot machine of '619 has multiple symbols (Para. 39), multiple paylines (Para. 46), and a paytable defining the different amounts won for each payline (button 62, Para. 45). Some of the winning paylines of '619 (top, center, and bottom, Fig. 3) have the same symbol all the way across, so each symbol has an intrinsic numerical value in itself, and not just when taken in combination with different symbols to form a winning payline. Sakamoto, however, in '588 teaches allowing a first period of time to elapse before showing an intermediate value for a selected symbol and allowing a second period of time to elapse before showing a final value for a selected symbol. '588 teaches a slot machine with three reels (Fig. 1). A plurality of stop

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commands is received, one for each reel (equivalent to receiving a select command for a symbol; Col. 4, Lines 10 to 11). The reel is shifted in a first scroll direction during a first time period (Col. 10, Lines 21 to 23, Figs. 14 and 15) and in a second (opposite) scroll direction during a second time period (Col. 10, Lines 24 to 26, Fig. 16). The reel then comes to a stop (Fig. 17). Since the reel has to change from the first scroll direction to a second scroll direction, it will have to decelerate in the first direction, leaving it stopped for an instant, before accelerating in the second opposite direction. The value showed on the reel when it is instantaneously stopped while changing directions is an intermediate value. The value showed on the reel when it decelerates and stops in the second direction is a final value. It would be obvious to one of ordinary skill in the art to apply the elapsed time periods of '588 to the combination of '298 and '619. The base game of '588 is a slot machine (Fig. 1), like the base games of '298 and '619. The method of '588 is capable of being implemented on video displays like those of '298 and '619 (Col. 8, Line 65 to Col. 9, Line 8), and not just on mechanical reels. The stock values of '298 have fluctuating values (Para. 53), which are ideal for being represented by the odometer-like reels of '588 that change direction, showing an intermediate value, before stopping at a final value. The advantage of this combination would be to build suspense on the part of the player by not immediately showing what the final value of the selected symbol is.

47. As to Claim 31: The numerical increases of '298 Figs. 3a-d and 4a-b are integer-by-integer increases.

48. As to Claim 32: The shares of '298 have an initial value (stock price, Fig. 6), an intermediate value (fluctuating share prices, Para. 53), and a final value (price awarded when share is sold, Para. 54).

49. As to Claim 34: In '619 the step of determining an award can include determining an amount greater than the sum of the indicated final value. In Para. 60, the sum of the points won in the bonus game is multiplied by a multiplier.

50. As to Claim 33: It is inherent that the combination of '298, '619, and '588 would be able to repeat the steps (c) through (g) for a first selected symbol and a second selected symbol. '588 teaches receiving a plurality of stop instructions (Col. 4, Lines 10 to 11). '619 teaches selecting symbols one at a time until they are gone (Para. 57).

51. As to Claim 34: In '619 the step of determining an award can include determining an amount greater than the sum of the indicated final value. In Para. 60, the sum of the points won in the bonus game is multiplied by a multiplier.

52. As to Claim 35: '298 teaches a plurality of symbols (multiple shares to choose from, Fig. 6). '619 teaches enabling a player to select a first symbol (Para. 57). '298 indicates an initial value associated with a first symbol (initial stock price, Fig. 6). '588 teaches allowing a first period of time to elapse (reel moving one direction to stop and indicate an intermediate value; Col. 10, Lines 21 to 23). '588 indicates an intermediate value associated with a first symbol (Fig. 16). '588 allows a second period of time to elapse (Col. 10, Lines 24 to 26). '588 shows a final value associated with a first symbol (Fig. 17). '619 can have at least two picks available (Para. 56) and continues until all the picks are gone (Para. 57), so it can allow a player to select a second symbol. '588



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teaches allowing a third period of time associated with a second symbol to elapse (reel moving one direction to stop and indicate an intermediate value; Col. 10, Lines 21 to 23). '588 indicates an intermediate value associated with a second symbol (Fig. 16). '588 allows a fourth period of time associated with a second symbol to elapse (Col. 10, Lines 24 to 26). '588 shows a final value associated with a second symbol (Fig. 17). '619 has an opportunity to reselect a designated quantity of symbols in the group (designated number of Leave It symbols allowing player to pick another symbol in the bonus game, Para. 51). The shares (symbols in the bonus game of '298) each have their own modifier in the form of a multiplier (number of shares times final value of shares equals bonus award for that stock, Para. 61). '619 has a multiplier multiplied by the number of points won in the bonus game, including the points won by reselecting new symbols after using Leave Its to discard unwanted symbols (Para. 60); the award is then awarded to the player.

53. As to Claims 36 and 37: The numerical increases of '298 Figs. 3a-d and 4a-b are integer-by-integer increases.

54. As to Claim 38: The shares of '298 have an initial value (stock price, Fig. 6), an intermediate value (fluctuating share prices, Para. 53), and a final value (price awarded when share is sold, Para. 54).

55. As to Claim 39: In '619 the step of determining an award can include determining an amount greater than the sum of the indicated final value. In Para. 60, the sum of the points won in the bonus game is multiplied by a multiplier.

***Response to Arguments***

56. Applicant's arguments filed Sept. 29<sup>th</sup>, 2006 have been fully considered but they are not persuasive. The applicants state on Page 12 of their remarks that the value \$096,925,48 a single value. This is correct, but it does not pertain to the claim language. The plurality of values the examiner was referring to in the rejection of Claim 1 in the last office action was the final value of each of the plurality of shares (multiple shares to choose from (Fig. 6). In any event, the final value of Bennett is "comprised of one or more numerals" as evidenced by Bennett, evidenced by Weiss, as maintained in the last office action. The new limitation does not change anything. The applicants also state that they believe Claim 6 is supported by the parent application (either 10/447,779 or 09/627,198, but not specified). In the non-final rejection of Nov. 2<sup>nd</sup>, 2006 the examiner stated that he could find no support for modifiers mentioned in all the independent claims in the parent cases. The examiner assigned the application a priority date of Sept. 12<sup>th</sup>, 2006. The applicants in their comments of Mar. 2<sup>nd</sup>, 2006 said that they did not contest this (Page 12, remarks). As Claim 6 depends from Claim 1, incorporating all limitations thereof, the rejection to Claim 6 remains. Regarding the rejection of Claim 21, the examiner was interpreting the claim as broadly as reasonable. The examiner was pointing out that the player had the chance to reselect the symbol in that the player has another chance to select a symbol (designated number of Leave It symbols allowing player to pick another symbol in the bonus game, Para. 51). The examiner was not stating that the player would select the symbol at the same location again; the locations are eliminated one by one as symbols are picked, as Nicastro is a

bonus pick game. Bennett and Nicastro are analogous art and were properly combined. The basic game of Bennett can be a slot machine (Para. 37). The base game of Bennett is a slot machine (16, Fig. 1, Para. 32). Both games have bonus games that start upon a combination of trigger symbols (Bennett, Para. 32; Nicastro, Para. 39). Bennett has broker's tips giving clues as to whether or not to buy a particular stock (Para. 56). Nicastro teaches giving a player information about whether or not to select a symbol (Abstract; Take It or Leave It, Para. 56 to 58). Bennett has multiple bonus games (thermometer, Fig. 3; skydiver, Fig. 5; stock market Fig. 6). Nicastro teaches multiple bonus games as well (Para. 53). The examiner respectfully disagrees with the applicants as to the claims' condition for allowance.

### ***Conclusion***

57. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew D. Hoel whose telephone number is (571) 272-5961. The examiner can normally be reached on Mon. to Fri., 8:00 A.M. to 4:30 P.M.

58. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan M. Thai can be reached on (571) 272-7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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59. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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